



Indiana Department of Education

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Indianapolis, Indiana 46204

M E M O R A N D U M

TO: State Board of Education

FROM: Jeff Zaring, State Board Administrator

DATE: April 27, 2011

SUBJECT: Legislation

The attached bill list includes the current status of bills at the time of writing. The state budget bill, HEA 1001, still is a work in progress, and it includes several substantive provisions.

Bill Number	Subject	Status	State Board Responsibility
SB 1	<p>Teacher evaluations and licensing. Eliminates the advisory board of the division of professional standards of the department of education. Requires the department of education to revoke the license of a licensed school employee if the employee is convicted in another state or under federal statutes of an offense that is comparable to the felonies for which the employee's license would be revoked if committed in Indiana. Establishes an annual staff performance evaluation that categorizes teachers as highly effective, effective, improvement necessary, or ineffective. Specifies that a teacher rated ineffective or improvement necessary may not receive a raise or increment for the following year. Provides that a student may not be instructed two years in a row by two different teachers who have been rated as ineffective in the year preceding the student's placement in that class if avoidable. Requires notice of cancellation of a teacher's contract not earlier than May 1 and not later than July 1. Changes the process concerning how teacher contracts are canceled. Specifies that current teacher salaries cannot be reduced due to a new salary scale adopted to meet the requirements of this act. Allows school corporations to consider additional content area degrees and credit hours in salary scale. Modifies language concerning supplemental services contracts to allow administrators to select and pay summer school teachers. Provides for the department of education to develop a program to provide training and evaluations for school corporations in operational efficiency. Defines "attend" for purposes of the compulsory school attendance law. Indicates that attendance is excused only if it is in accordance with the governing body's excused absence policy. Specifies additional methods for the service of a notice of violation to a parent. Requires a superintendent</p>	Ready for Enrollment	<ul style="list-style-type: none"> • Approve an evaluation system for professional development [grants] based on recommendations from the department • Adopt rules to do the following: • Set standards for teacher licensing and for the administration of a professional licensing and certification process by the department. • Approve or disapprove teacher preparation programs. • Set fees to be charged in connection with teacher licensing. • Suspend, revoke, or reinstate teacher licenses. • Enter into agreements with other states to acquire reciprocal approval of teacher preparation programs. • Set standards for teacher licensing concerning new subjects of study. • Evaluate work experience and military service concerning postsecondary education and experience equivalency. • Perform any other action that: <ul style="list-style-type: none"> ○ relates to the improvement of instruction in the public schools through teacher education and professional ○ development through continuing education; and ○ attracts qualified candidates for teacher education from among the high school graduates of Indiana. • Adopt rules for: <ul style="list-style-type: none"> ○ the issuance of a substitute teacher's license;

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	<p>or attendance officer to report a habitually absent child to the juvenile court or the department of child services. Repeals references to the advisory board and the existing staff performance evaluation provisions, and makes corresponding changes to related sections.</p>		<ul style="list-style-type: none"> ○ the employment of substitute teacher licensees. • Adopt rules to do the following: <ul style="list-style-type: none"> ○ Adopt, validate, and implement the [licensing] examination or other procedures [to demonstrate proficiency for licensing]. ○ Establish examination scores indicating proficiency • Before January 31, 2012, adopt rules that establish: <ul style="list-style-type: none"> ○ the criteria that define each of the four categories of teacher [evaluation] ratings; ○ the measures to be used to determine student academic achievement and growth [for use in evaluation]; ○ standards that define actions that constitute a negative impact on student achievement; and ○ an acceptable standard for training evaluators. • Before January 31, 2012, work with the department to develop a model plan and release it to school corporations. Subsequent versions of the model plan that contain substantive changes must be provided to school corporations. • Work with the department to ensure the availability of ongoing training on the use of the performance evaluation to ensure that all evaluators and certificated employees have access to information on the plan, the plan's implementation, and this chapter. • Develop requirements for the school improvement plan. Plan must meet Board requirements and focus on academic performance and be consistent with metrics

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			for improvement.
SB 127	<p>Driver education. Transfers the responsibilities concerning: (1) commercial driver training schools from the Indiana criminal justice institute; (2) motorcycle operator education and secondary school driver training from the department of education; and (3) truck driver training from the Indiana commission on proprietary education (commission) and the state department of revenue; to the bureau of motor vehicles (bureau). Establishes the driver education advisory board and requires the bureau to adopt rules concerning driver education training, including rules pertaining to commercial driver training schools, certain driver education programs, and driver education instructors. Requires an applicant for an operator's license who is required to complete at least 50 hours of supervised practice driving to submit to the commission a log, under penalty of perjury, of the time driven before receiving the operator's license. Eliminates the employment position of driver examiner within the bureau. Authorizes the bureau to adopt rules concerning service charges for the administration of a skills or written test by certain driver education instructors. Changes the term "road test" for purposes of examination of the ability to operate a motor vehicle to "skills test". Repeals the requirement that an examination for the issuance of a driver's license must be held in the county where the license branch office in which the application was made is located. Provides that certain rules pertaining to driver education adopted by the Indiana commission on proprietary education, the Indiana criminal justice institute, the department of state revenue, and the state board of education concerning driver education are considered, after December 31, 2011, rules of the bureau. Provides for</p>	In Conference Committee	None

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	certain immunities pertaining to governmental entities and public employees for: (1) members of the driver education commission; and (2) driver education instructors making reports concerning the fitness of applicants to operate a motor vehicle. Makes corresponding changes.		
SB 497	Higher education scholarship. Provides an early graduation scholarship to a student who graduates from high school before grade 12. Requires the state board of education to amend its rules to facilitate graduation from high school in less than seven semesters. Allows a student to participate in an early college, a dual credit, a double up for college, or a dual enrollment program during any grade in high school. Requires the department of education to report early graduation scholarship student information to the state student assistance commission (SSACI). Requires the department of education to transfer tuition support to SSACI for early graduation scholarship students that are accepted at a higher education institution . Provides for the payment of the scholarship by SSACI to the higher education institution from these transfers . Permits a higher education scholarship to be used for fees, books, supplies, and equipment required for courses of instruction. Provides that the unused balance of a scholarship shall be applied to educational costs incurred in a subsequent school year. Provides for the recovery of an unused scholarship.	Returned to House of origin with Amendments	<ul style="list-style-type: none"> • Adopt minimum requirements for granting a high school diploma by the end of grade 11 (including any summer school courses completed before July 1 of a year). • Amend its rules as necessary to permit a student to elect to graduate and qualify for an early graduation scholarship. [Already done.]
SB 575	Teacher collective bargaining. Extends the use of temporary teacher contracts to hiring for positions funded by grants outside the school funding formula. Provides that wage payment arrangements may not contain terms beyond those permitted to be bargained. Provides that the statutory procedures for refusing to continue or canceling a teacher contract may not be modified by a collective bargaining agreement (agreement). Limits the number of	Law enacted	None

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	<p>teachers the exclusive representative may appoint to serve on statutory or locally created district wide and school wide committees of a school corporation. Provides that an agreement may not include provisions that limit a school employer's ability to restructure schools that do not meet federal or state accountability standards, or that limit a school employer's ability to enter into programs that offer postsecondary credit or dual credits to students. Provides that an agreement may not extend beyond December 31 of the year at the end of a state budget biennium. Prohibits certain subjects from being bargained collectively, and provides that prohibited subjects and items that lead to deficit financing may not be included in an agreement. Removes certain items from the list of discussion subjects between a school employer and an exclusive representative. Provides that collective bargaining begins before August 1 in the first year of the state budget biennium. Provides that if a complaint that is filed alleging an unfair practice concerning a subject of discussion is found to be frivolous, the complaining party is liable for costs and attorney's fees. Modifies the mediation process. Establishes a process for factfinding. Expands the purposes for which money in the capital projects fund may be used. Repeals provisions concerning minimum salary and salary increments for teachers, the definition of "submission date", and a provision allowing the statutory procedures for refusing to continue or canceling a teacher contract to be modified by an agreement, certain provisions concerning mediation and factfinding, and makes conforming changes to related sections.</p>		
HB 1001	Budget Bill	In Conference Committee	<ul style="list-style-type: none"> • Facilitates P.L. 221 intervention options. • The governing body of the school corporation in which a “Year 4” school is located may petition the

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			<p>state board to immediately restructure the school by presenting a written plan setting forth the proposed intervention for the school. If the state board approves the petition and accepts the plan, the school:</p> <ul style="list-style-type: none"> ○ operates under the applicable provisions of turnaround academy provisions; and ○ is carried forward in the same performance category or designation in which the school is placed at the time the state board accepts the plan. <ul style="list-style-type: none"> • Amend rules to permit a student to elect to graduate and qualify for a Mitch Daniels early graduation scholarship. [should be done]
HB 1002	<p>Charter schools. Allows charter schools to opt in to the state health insurance plans. Establishes the charter school board as a statewide sponsor of charter schools. Provides that the department of education shall provide staff to the charter school board until the board begins receiving administrative fees from schools chartered by the board. Adds certain nonprofit private colleges and universities as eligible charter school sponsors. Establishes certain accountability criteria for charter school sponsors, and places charter schools under accountability standards for public schools. Adds: (1) student academic growth; (2) financial performance and stability; and (3) board performance and stewardship; to the list of items to be included in a charter school's charter. Requires uniform and consistent transfer of credits for students who transfer from a charter school to another public school. Stipulates that a teacher in a conversion charter school may be an employee of the charter school or the school corporation as</p>	Ready for enrollment	<ul style="list-style-type: none"> • May require a sponsor to appear at a hearing conducted by the state board if the sponsor has renewed a charter or failed to close a charter school that does not meet the minimum standards in the charter agreement. • After the hearing, may implement one (1) or more of the following actions unless the state board finds sufficient justification for the charter school's performance under the state school accountability system: <ul style="list-style-type: none"> ○ Transfer the sponsorship of the charter school to the charter board. ○ Order the closure of the charter school. ○ Order the reduction of any administrative fee that is applicable to the charter school to an

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	<p>determined in a charter school's charter. Provides that at least 90% of the full time teachers in a charter school must be licensed or in the process of obtaining a license. Ends the virtual charter school pilot program, and allows existing virtual charter schools to seek sponsors. Provides that a virtual charter school's funding is equal to the sum of: (1) the virtual charter school's ADM multiplied by 85% of the school's foundation amount (rather than 80% of the statewide average basic tuition support, under current law); plus (2) the total of any special education grants to which the virtual charter school is entitled. Provides that each school year, at least 60% of the students who are enrolled in virtual charter schools for the first time must have been included in the state's ADM count for the previous school year. Sets out the conditions, accounting process, and reporting procedures for a charter school sponsor concerning the collection of fees from its sponsored charter schools. Requires the department of education to establish a charter school page on the department's Internet web site. Establishes the charter school facilities assistance program and fund. Specifies the purposes for which grants and loans of money in the fund may be used. Provides that money in the fund may be used to match federal grants from the United States Department of Education for charter school facilities, and deletes current law that allows common school fund interest to provide these state matching funds. Changes the procedure for converting a public school into a charter school. Establishes a process by which charter schools may lease or purchase unused, closed, or unoccupied school buildings that are maintained by school corporations and are not being used for classroom instruction. Permits the state board of education to close a charter school, transfer</p>		<p>amount not greater than fifty percent (50%) of the amount allowed.</p> <ul style="list-style-type: none"> • In determining whether to impose consequences, the state board must consider the following: • Enrollment of students with special challenges such as drug or alcohol addiction, prior withdrawal from school, prior incarceration, or other special circumstances. • High mobility of the student population resulting from the specific purpose of the charter school. • Annual improvement in the performance of students enrolled in the charter school compared with the performance of students enrolled in the charter school in the immediately preceding school year. • If the state board has closed or transferred sponsorship of at least twenty-five percent (25%) of the charter schools chartered by one sponsor, the sponsor's authority to sponsor new charter schools may be suspended by the state board until the state board approves the sponsor to sponsor new charter schools. A determination to suspend a sponsor's authority to sponsor new charter schools must identify the deficiencies that, if corrected, will result in the approval of the sponsor to sponsor new charter schools.

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	<p>sponsorship of a charter school, or reduce the administrative fees collected by the sponsor of the charter school, if the charter school remains in the lowest performance category or designation for five years. Permits the state board of education to suspend the authority of a sponsor if at least 25% of the sponsor's charter schools have been subject to an accountability action. Provides that a charter school that has received an advance for operational costs from the common school fund does not have to make principal or interest payments during the state fiscal years beginning July 1, 2011, and July 1, 2012. Makes conforming changes. Repeals provisions concerning the number of charter schools an executive of a consolidated city may sponsor and that include teachers in a conversion charter school in the school corporation's bargaining unit.</p>		
HB 1003	<p>School scholarships. Provides a tax deduction for a parent who sends a child to a private school or home schools the child. Increases the school scholarship tax credits that may be awarded for donations to a scholarship granting organization. Prohibits a scholarship granting organization from limiting the availability of scholarships to students of only one participating school. Provides choice scholarships to students in families with income that is not more than 150% percent of the amount required for the individual to qualify for the federal free or reduced lunch program to pay the costs of tuition and fees at a public or private elementary school or high school that charges tuition. Requires fair admissions policies for schools eligible for choice scholarships. Requires an eligible school to include certain subjects in the school's curriculum. Limits the number of choice scholarships awarded per school year before June 30, 2013. Limits the choice scholarship granted to a student in grade 1 through 8 to \$4,500 per school</p>	Ready for enrollment	<ul style="list-style-type: none"> Recognize national and regional accreditation agencies for purposes of school eligibility. [On May 4, 2011, agenda]

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	year. Provides consequences for nonpublic schools who receive: (1) consecutive low category designations for school performance and improvement; and (2) a distribution of choice scholarships. Makes conforming changes.		
HB 1340	Adult education. Requires the state board of education (state board) to receive, distribute, and account for funds received for career and technical education under federal law. Assigns to the state board responsibility for the planning and implementation of secondary career and technical education. Requires the state board to develop and coordinate career and technical education on a regional and statewide basis and to prepare budget requests for state and federal funds for career and technical education. Creates the advisory committee on career and technical education. Allows the state workforce innovation council (council) to make recommendations concerning the budget requests for the state board's review. Adds an individual recognized by an adult education organization to the membership of the council. Assigns to the council responsibility for the general educational development (GED) diploma program and the planning and implementation of postsecondary career and technical education. Assigns responsibility for adult education to the council and the department of workforce development (DWD). Allows an adult education program to include a pathway to obtain a high school diploma. Repeals statutes: (1) establishing the commission for career and technical education; (2) assigning responsibility for the GED diploma program and adult education to the state board; (3) assigning responsibility for postsecondary career and technical education to the commission for higher education; and (4) assigning secondary career and technical	Law enacted	<ul style="list-style-type: none"> • Receive, distribute, and account for all funds received for career and technical education under the Carl D. Perkins Vocational and Applied Technology Act [subject to appropriation] • Develop and implement a long range state plan for a comprehensive secondary level career and technical education program. • The plan must set forth specific goals for secondary level public career and technical education and must include the following: <ul style="list-style-type: none"> ○ The preparation of each graduate for both employment and further education. ○ Accessibility of career and technical education to individuals of all ages who desire to explore and learn for economic and personal growth. ○ Projected employment opportunities in various career and technical education fields. ○ A study of the supply of and the demand for a labor force skilled in particular career and technical education areas. ○ A study of technological and economic change affecting Indiana. ○ An analysis of the private career and education sector in Indiana.

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	education to the council and DWD. Makes conforming changes.		<ul style="list-style-type: none"> ○ Recommendations for improvement in the state career and technical education program. ○ The educational levels expected of career and technical education programs proposed to meet the projected employment needs. • Investigate the funding of career and technical education on a cost basis. • Establish a list of approved secondary level career and technical education courses in accordance with the workforce partnership plans. • Make recommendations to the general assembly concerning the development, duplication, and accessibility of employment training and career and technical education on a regional and statewide basis. • Consult with any state agency, commission, or organization that supervises or administers programs of career and technical education concerning the coordination of career and technical education. • Review and make recommendations concerning plans submitted by the commission for higher education and the council. The state board may request the resubmission of plans or parts of plans that: <ul style="list-style-type: none"> ○ are not consistent with the long range state plan of the state board; ○ are incompatible with other plans within the system; or ○ duplicate existing services. • Establish a regional planning and coordination system

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			<p>for career and technical education and employment training that will, either in whole or in part, serve career and technical education and employment training in Indiana.</p> <ul style="list-style-type: none"> • Adopt statewide systems or policies concerning the following as the systems or policies relate to the implementation of career and technical education programs: <ul style="list-style-type: none"> ○ Student records. ○ Data processing at the secondary level. ○ An evaluation system that must be conducted by the state board at least annually and that evaluates the following as each relates to the career and technical education programs and courses offered at the secondary level: <ul style="list-style-type: none"> ▪ Graduation rates. ▪ Student placement rates. ▪ Retention rates. ▪ Enrollment. ▪ Student transfer rates to postsecondary educational institutions. ▪ When applicable, student performance on state licensing examinations or other external certification examinations. ▪ Cost data study. ○ A system of financial audits to be conducted at least biennially at the secondary level.

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			<ul style="list-style-type: none"> • Establish career and technical education evaluation criteria. • Develop a definition for and report on attrition and persistence rates by students enrolled in secondary career and technical education. • Review the legislative budget requests for secondary and postsecondary career and technical education prepared by the state educational institutions. • Make recommendations to the budget committee concerning the appropriation of state funds and the allocation of federal funds for secondary and postsecondary career and technical education. • The recommendations concerning appropriations and allocations must specify: <ul style="list-style-type: none"> ○ minimum funding levels required; ○ categories of expenditures and the distribution plan or formula for secondary schools; and ○ categories of expenditures for each state educational institution. • Repeal Adult Education rules [in progress]
HB 1341	Special education grants. Requires a school corporation, including a charter school, to expend a proportionate share of its state special education grant on providing special education services to parentally placed nonpublic school students with disabilities.	Law enacted	<ul style="list-style-type: none"> • Adopt rules, including, but not limited to, reporting requirements, monitoring, and consequences for noncompliance. The consequences may include requiring expenditure of additional state funds in a subsequent year if the school fails to expend the requisite amount in a prior year.

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HB 1429	Textbooks and other curricular material. Expands the definition of "textbook" to include certain hardware, software, and digital content. Adds a definition of "curricular materials". Removes the authority of the state board of education to adopt a list of approved textbooks, and requires the governing body of each school corporation to adopt textbooks for the school corporation. Requires the department of education to review curricular materials, evaluate the curricular materials alignment to state academic standards, and publish the reviews, which governing bodies may use in making textbook adoption decisions. Repeals references to the state textbook advisory committee and the state board adoption of textbooks, and makes corresponding changes to related sections.	Law enacted	<ul style="list-style-type: none"> • Repeal textbook adoption rules.